

## **Item SPR06-08 Response Form**

**Title:** Authorization for Computer-Generated or Typewritten Forms for Proof of Service of Summons and Complaint (amend Cal. Rules of Court, rule 982.9)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

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\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

☐ **Commenting on behalf of an organization**

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Friday, June 23, 2006
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee. All comments will become part of the public record of the council's action.*

## Invitations to Comment SPR06-08

Title	Authorization for Computer-Generated or Typewritten Forms for Proof of Service of Summons and Complaint (amend Cal. Rules of Court, rule 982.9)
Summary	Rule 982.9 would be amended to clarify that a computer-generated or typewritten version of form POS-010 authorized by the rule only needs to include text from the form that is relevant to showing the method by which service was made.
Source	Civil and Small Claims Advisory Committee Hon. Elihu M. Berle, Chair
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665 patrick.o'donnell@jud.ca.gov
Discussion	<p>Rule 982.9 (Authorization for computer-generated or typewritten forms for proof of service of summons and complaint) of the California Rules of Court is intended to permit process servers and others to prepare and file their own shortened version of <i>Proof of Service of Summons</i> (form POS-010), containing only the information relevant to show the method of service that they used. This saves paper and simplifies the proof of service. However, the rule is not presently clear that such modification of form POS-010 is authorized.</p> <p>To clarify the rule, the title of the rule would have the words "Authorization for" added at the beginning. Also, the last sentence of subdivision (a)(3) would be amended to read: "In addition, only the optional text that relevant to show that service has be made by the particular method used must be copied word for word, except that the check boxes must not be copied."</p>
	Attachment

Rule 982.9 of the California Rules of Court would be amended, effective January 1, 2007, to read:

**Rule 982.9. Authorization for computer-generated or typewritten forms for proof of service of summons and complaint**

**(a) [Computer-generated or typewritten forms; conditions]** Notwithstanding the adoption of mandatory form *Proof of Service of Summons* (form POS-010), a form for proof of service of a summons and complaint prepared entirely by word processor, typewriter, or similar process may be used for proof of service in any applicable action or proceeding if the following conditions are met:

(1)–(2) \* \* \*

(3) The title and all the text of form POS-010 that is not accompanied by a check box must be copied word for word, except for instructions, which must not be copied. In addition, only All the relevant optional text that is optional (that is, accompanied by a check box) relevant to show that service has be made by the particular method used must be copied word for word, except that the check boxes must not be copied.

(4)–(9) \* \* \*

**(b) \* \* \***